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PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			BOTTIS, MICHAEL K	
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			2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,761

Applicant(s)

ALLYN ET AL.

Examiner

Michael K. Botts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This document is a Final Office Action on the merits. This action is responsive to the following communications: Amendment in Response to Non-Final Office Action, which was filed on April 17, 2006.
2. Claims 1-24 are currently pending in the case, with claims 1, 12, 18, and 20 being the independent claims.
3. Claims 1-24 are rejected.

Information Disclosure Statement

4. Applicants filed a document designated as an Information Disclosure Statement on May 7, 2006. The document filed is not in the form of an information disclosure statement, and does not provide sufficient information for the Examiner to review and consider the information provided. The document presents factual evidence relating to the patentability of the invention without proper affidavit support. Accordingly, the document is acknowledge as having been received, but has not been considered by the Examiner.

Claims Rejections – 35 U.S.C. 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In general, the specification is written as a description of what the result of using the invention looks like.

Applicants claim a method, system, computer readable medium, and computer-implemented method for selecting and manipulating multiple objects. However, what is disclosed is merely the result of the selection and manipulation. The disclosure merely describes what is done with the objects, not how to do the highlighting, manipulation, selection, and de-selection of the objects.

The drawings merely show how the objects would look if one knew how to make a computer generate and manipulate them. See, Figures 3A-7B. The flow charts in the drawings are written at a high level of abstraction, rather than at a fundamental level that would indicate possession of more than the mere idea of the invention. For example, claim 7, and Figure 13, elements 1302 and 1304 teach "detect multiple selection flip command" and "display highlight list objects flipped relative to position of axis pin." The only support for the "flip command" is stated as follows in the disclosure: *"The exemplary process 1300 begins with step 1302 in which the document view module 202 detects the input of a multiple selection flip command for the multiple selected objects 401, 402. This command may be submitted in various ways, for example through a menu selection or a keystroke command using the mouse 142*

and/or keyboard 140. The flip command may be a built-in function of the main application module 200 and may have various options (e.g., vertical or horizontal flip), as known in the art." Disclosure, page 38, lines 16-24. Applicants do not disclose the flip command, how to detect it, or how it operates to flip the highlighted objects.

The lack of adequate written description of flip command is but one example of the lack of adequate description in the specification such as to convey to one of reasonable skill in the art that the applicant's had possession of the invention at the time of the application. The specification similarly lacks adequate written description such as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention in regards to the claimed functions of highlighting objects, selecting highlighted objects, manipulation of objects, deselecting highlighted objects, binding objects (fully and partially), creating an outline that at least partially bounds the highlighted objects, and other functions beyond that "as will be apparent to those skilled in the art." Accordingly, claims 1-24 suffer from the same lack of adequate description, either alone or by their dependency on the independent claims.

6. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants are cited to the rejections of claims 1-24, under 35 U.S.C. 112,

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first paragraph, lack of possession of the claimed invention, as cited above. The example and reasons supporting the conclusion that the applicants lacked possession of the claimed invention are repeated herein as if stated in full in support of the rejection that the invention as claimed is not enabled by the specification.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 5, 11, 19, and 20-23** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Sybex, Inc., 1991 [hereinafter "Omura"].

Regarding **independent claim 1, as amended**, Omura teaches:

A method for selecting and manipulating multiple objects, comprising:
receiving information for the selection of two or more selected objects in a document;
displaying highlight objects that correspond to the two or more objects, wherein the highlight objects provide visual feedback to indicate the selection of each of the two or more objects after the selection information is received; and

displaying a multiple selection highlight object that corresponds to the displayed highlight objects after the selection information is received and includes features of object manipulation, wherein the multiple selection highlight object at least partially bounds the highlight objects to provide visual feedback of the multiple selection of the two or more objects,

wherein the highlight objects are automatically configured to be manipulated according to the manipulation of the multiple selection highlight object using the features of object manipulation until at least one of the two or more objects are deselected, at which point each of the two or more objects can be individually manipulated.

(See, Omura, page 42, sidebar, teaching highlighting a selected object by “ghosting” and stating: “Ghosting visually tells you that you have chosen that object to be acted upon by whatever command is active. Ghosting is also referred to as *highlighting*.” [Emphasis in the original.]

See, Omura, pages 42-44, teaching teaches selection of multiple objects.

See, Omura, pages 43-44, teaching bounding windows identifying more than one object selected at one time (“multiple selection highlight”).

And see, Omura, pages 42-43 and 344-347, teaching that the bounding box becomes inactive when one of the objects is de-selected.

Applicants' claimed invention is the selection of multiple objects, highlighting the selection including a bounding highlight object that includes a manipulation object, wherein the multiple highlighted objects may be manipulated together.

It is noted that the additional limitation of objects becoming highlighted "after the selection information is received" is read as non-functional descriptive language. The fact that a function activates after it is activating is not read as claiming a patentably distinct limitation, but rather is a statement of an obvious act of selection and resultant selection.

The additional amended limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.)

Regarding **dependent claim 2**, Omura teaches:

The method of claim 1, wherein receiving information for the selection of two or more objects comprises receiving information based on one of a continuous selection of all of the two or more objects or an individual selection of each of the two or more objects.

(See, Omura, pages 47-50, teaching "SI" as the function for selection of multiple individual objects and "Auto" as the function for automatically selecting multiple objects.)

Regarding **dependent claim 3**, Omura teaches:

The method of claim 1, wherein creating highlight objects that correspond to the two or more objects comprises creating outlines that each at least partially bound one of the two or more objects and add emphasis to the appearance of the two or more objects.

(See, Omura, page 42, sidebar, teaching highlighting a selected object by “ghosting” and stating: “Ghosting visually tells you that you have chosen that object to be acted upon by whatever command is active. Ghosting is also referred to as *highlighting*.” [Emphasis in the original.]

Regarding **dependent claim 5**, Omura teaches:

The method of claim 1, further comprising: detecting a rotative manipulation of the multiple selection highlight object; and displaying the highlight objects and the multiple selection highlight object in a rotated orientation corresponding to the rotative manipulation of the multiple selection highlight object.

(See, Omura, pages 344-347, teaching rotative manipulation of the multiple selection highlight object, being the rotation of the kitchenette and its included individual objects.

The additional limitation of “features of object manipulation” discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including

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"handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.)

Regarding **dependent claim 11**, Omura teaches:

*The method of claim 1, further comprising:
detecting the deselection of at least one of the two or more objects; and
displaying the two or more objects with an appearance that corresponds to
previous manipulations of the multiple selection highlight object.*

(See, Omura, pages 344-347, teaching manipulation of objects to a display a final position. See also, Omura, page 43, teaching that an object is not selected until return is pressed, any action without the return is automatically deselected.)

Regarding **dependent claim 19**, Omura teaches:

*The computer-readable medium of claim 18, further comprising:
logic for detecting a manipulation of the multiple selection highlight object
relative to a single dimension;
logic for proportionately resizing two or more dimensions of the first
highlight object in correspondence with the manipulation of the multiple selection
highlight object when the first highlight object is not aligned with the orientation of
the multiple selection highlight object, thereby reducing distortion of the shape of
the object when it is resized; and*

logic for rendering the first highlight object, the second highlight object, and the multiple selection highlight object to the graphical user interface with one or more of their dimensions modified in correspondence with the manipulation of the multiple selection highlight object.

(See, Omura, page 345, teaching scale” and “stretch” for proportionally resizing multiple objects.)

Regarding **independent claim 20**, Omura teaches:

A computer-implemented method for selecting and manipulating multiple objects, comprising:

automatically associating two or more objects to a common reference object in response to a selection of the two or more objects;

causing a manipulation of the two or more objects in response to making the manipulation to the common reference object; and

automatically disassociating the two or more objects from the common reference object in response to a deselection of at least one of the two or more objects.

(See, Omura, pages 41-50, teaching the automatic association of highlighted objects in a window and the manipulation of those objects.)

Regarding **dependent claim 21**, Omura teaches:

The computer-implemented method of claim 20, wherein automatically associating two or more objects to a common reference object comprises aligning the common reference object to the orientation of at least one of the two or more objects.

(See, Omura, pages 69-74, teaching the "snap" function to align objects with a common orientation.)

Regarding **dependent claim 22**, Omura teaches:

The computer-implemented method of claim 20, wherein causing a manipulation of the two or more objects comprises causing at least one of rotating, flipping, or resizing the two or more objects in response to making the manipulation to the common reference object.

(See, Omura, pages 41-50, 69-74, and pages 344-347, teaching automatic association of selected and highlighted objects, rotative manipulation of the multiple selection highlight object, being the rotation of the kitchenette and its included individual objects.)

Regarding **dependent claim 23**, Omura teaches:

The computer-implemented method of claim 20, further comprising establishing a common reference point with respect to the common reference object, wherein the common reference point is repositionable, and the two or more objects are manipulable with respect to the common reference point.

(See, Omura, pages 44-47, teaching the use of "base points.")

8. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4, 6, 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura as applied to claim 1 above, and further in view of Cohen, S. "Macromedia Fireworks for Windows & Macintosh, Visual Quickstart Guide," Peachpit Press, 2001 [hereinafter Cohen"].

Regarding **dependent claim 4, as amended**, Omura in view of Cohen teaches:

The method of claim 1, wherein creating a multiple selection highlight object that corresponds to the highlight objects comprises creating an outline that

at least partially bounds the highlight objects, wherein the outline comprises at least one of:

a rotation handle that can be manipulated to cause the rotation of the multiple selection highlight object and the highlight objects;

a selection handle that can be manipulated to cause the resizing of the multiple selection highlight object and the highlight objects; and

an axis pin that can be positioned to provide an axial reference point for the manipulation of the two or more objects.

(See the rejection of claim 1, above, incorporated herein by reference.

Omura teaches multiple selection highlighting of highlighted selected objects, and that such multiple selection can be in the form of a bounding rectangle. See, rejection of claim 1 above. Omura does not expressly teach that the "outline that at least partially bounds the highlighted objects" comprises at least one of a "rotation handle," a "selection handle," or an "axis pin."

Cohen teaches selection handles and an axis pin. See, Cohen, pages 88-92.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin. Both references teach the use of software for computer generated graphical data objects, and both teach the selection, identification of the selection, and manipulation of the objects.

The motivation to combine the references is drawn from the fact that both references teach a bounding rectangle around an object for the purpose of identifying

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the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object.

Regarding **dependent claim 6**, Omura in view of Cohen teaches:

The method of claim 4, further comprising:

displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle;

detecting a positioning of the axis pin; detecting an engagement and manipulation of the rotation handle by the user interface;

periodically displaying the highlight objects and the multiple selection highlight object in a temporary rotated orientation relative to the positioning of the axis pin and the manipulation of the rotation handle until the rotation handle is disengaged by the user interface; and

displaying the highlight objects and the multiple selection highlight object in a permanently rotated orientation relative to the positioning of the axis pin and corresponding to the manipulation of the rotation handle before it is disengaged by the user interface.

(See, rejection of claims 4 and 1 above, incorporated herein by reference.

See, Cohen, page 91, teaching a rounded arrow that functions as a "rotation handle" in that when it is dragged either clockwise or counterclockwise, the object is rotated around the visible rotative axis.)

Regarding **dependent claim 9**, Omura in view of Cohen teaches:

*The method of claim 4, further comprising:
detecting a manipulation of the selection handle; and
displaying the highlight objects and the multiple selection highlight object
with one or more of their dimensions modified relative to the manipulation of the
selection handle.*

(See, rejection of claims 4 and 1 above, incorporated herein by reference.

See, Cohen, page 88-91, teaching modification of an object by manipulation of
handles on the bounding rectangle.)

Regarding **dependent claim 10**, Omura in view of Cohen teaches:

*The method of claim 4, further comprising:
detecting an engagement and manipulation of the selection handle by a
user interface;
periodically displaying the highlight objects and the multiple selection
highlight object with one or more of their dimensions temporarily modified relative
to the manipulation of the selection handle until the selection handle is
disengaged by the user interface; and
displaying the highlight objects and the multiple selection highlight object
with one or more of their dimensions permanently modified corresponding to the
manipulation of the selection handle before it is disengaged by the user interface.*

(See, rejection of claims 4 and 1 above, incorporated herein by reference.

See, Cohen, page 88-91, teaching modification of an object by manipulation of handles on the bounding rectangle.)

10. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Cohen, as applied to claim 4 above, and further in view of "Micrografx Designer Reference Guide," Micrografx, Inc., 1990 [hereinafter "Micrografx"].

Regarding **dependent claim 7**, Omura in view of Cohen and further in view of Micrografx teaches:

The method of claim 4, further comprising:
detecting an input of a flip command for the two or more objects; and
displaying the highlight objects and the multiple selection highlight object
in a position that is flipped relative to a position of the axis pin in accordance with
the flip command.

(See, rejection of claims 4 and 1, above, incorporated herein by reference.

Omura and Cohen teach the invention of claim 4, but do not expressly teach a "flip command" or teaches a flip of an object relative to a position of the axis pin.

Micrografx teaches both "flip horizontal" and "flip vertical" functions which flip an object side-to-side or top-to-bottom, respectively. Flipping an object in this manner is inherently flipping relative to the central axis. In addition, Micrografx expressly teaches a pivot pin ("axis pin") and that the pivot pin may be set to the center of the object. See,

Micrografx pages 9-26 and 9-27.

One of ordinary skill in the art at the time of the invention would have known of the teachings of Omura, Cohen, and Micrografx because all of the references teach the use of software applications for the manipulation of computer generated graphical data objects. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin that includes a “flip command.”

The motivation to combine the references is drawn from the fact that the references teach a bounding rectangle around an object for the purpose of identifying the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object. In addition, the “flipping” of an object is a common manipulation, and it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the combination invention of Omura and Cohen to include the common object manipulation of flipping.)

Regarding **dependent claim 8**, Omura in view of Cohen and further in view of Micrografx teaches:

The method of claim 4, further comprising:

displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle;

detecting a positioning of the axis pin;
detecting an input of a flip command for the two or more objects; and
displaying the highlight objects and the multiple selection highlight object
in a position that is flipped relative to the positioning of the axis pin in accordance
with the flip command.

(See, rejection of claims 4 and 1, above, incorporated herein by reference.

Omura and Cohen teach the invention of claim 4, but do not expressly teach a “flip command” or teaches displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle.

Micrografx teaches both “flip horizontal” and “flip vertical” functions which flip an object side-to-side or top-to-bottom, respectively. Flipping an object in this manner is inherently flipping relative to the central axis. In addition, Micrografx expressly teaches a pivot pin (“axis pin”) and that the pivot pin may be set to the center of the object. See, Micrografx pages 9-26 and 9-27.

One of ordinary skill in the art at the time of the invention would have known of the teachings of Omura, Cohen, and Micrografx because all of the references teach the use of software applications for the manipulation of computer generated graphical data objects. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin that includes a “flip command,” and that the bounding rectangle would be displayed in response to a positioning of the use interface in a

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vicinity of the rotation handle. The display of the bounding rectangle in response to the user interface is an obvious extension of the function taught in Cohen, where the rotational “rounded arrow” appears when the cursor is moved outside the bounding box. The timing of when the bounding box or the rotational handle appears as a “response” to the “user interface” is a design decision based on art recognized equivalent alternatives.

The motivation to combine the references is drawn from the fact that the references teach a bounding rectangle around an object for the purpose of identifying the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object. In addition, the “flipping” of an object is a common manipulation, and it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the combination invention of Omura and Cohen to include the common object manipulation of flipping.)

11. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Regarding claims 12-17, as amended, claims 12-17 incorporate substantially similar subject matter as claimed in claims 1, 4, 6, 7, 9, and 11, respectively, and are rejected along the same rationale.

Regarding claim 18, as amended, claim 18 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

Regarding claim 24, claim 24 incorporates substantially similar subject matter as claimed in claim 9, and is rejected along the same rationale.

Response to Arguments

Applicants' arguments filed April 17, 2006 have been fully considered, but they are not persuasive.

Regarding rejections under 35 U.S.C. 112, First Paragraph, written description:

First: Applicants cite MPEP 2163.3(a) for the proposition that "sufficiently detailed, relevant identifying characteristics which provides evidence that applicant was in possession of the claimed invention." Applicants' argument consists of the statement: "Here, applicant has provided sufficient disclosure concerning the characteristics of the claimed elements for displaying and manipulating these elements (e.g., the multiple selection highlight object and highlight objects) in Figures 1-7 and the corresponding descriptions." See, Amendment, page 11.

The Examiner disagrees.

The specification, as cited in particularity in the rejection above, fails to disclose how the method and system operates. What is disclosed is the result of the method, not the process.

Second: Applicants cite MPEP 2163(I)(A) for the proposition that there is a strong presumption that original claims satisfy the written description requirement. Applicants' argument consists of the statement: "Accordingly, applicant respectfully submits that the specification sufficiently conveys to one skilled in the art that applicant had possession of the invention when the application was filed." See, Amendment, page 11.

The Examiner disagrees.

The "strong presumption" in favor of and adequate written description is not questioned. However, Applicants have overcome the presumption. As cited in particularity in the rejection above, the written description fails to disclose that the Applicants had possession of the invention at the time of the application.

Regarding rejections under 35 U.S.C. 112, First Paragraph, enablement:

Applicants cite MPEP 2164 for the proposition that detailed procedures for making and using the invention may not be necessary if the description of the invention is sufficient to permit one skilled in the art to make and use the invention. Applicants argue that one of ordinary skill in the art would know how to make and use the invention. In support of that argument, Applicants cite to the prior art references.

The Examiner disagrees.

The fact that the invention is shown in prior art references does not support that argument that it was adequately disclosed in the present application. Rather, it proves that the invention was disclosed and taught by others prior to the filing of Applicants' application.

Regarding rejection of claims 1-11:

Applicant argues that Omura does not teach or suggest "displaying a multiple selection highlight object ... [that] at least partially bounds the highlight objects to provide visual feedback of the multiple selection of the two or more objects after the selection information is received and includes features of object manipulation." See, Amendment, page 13, underline in the original. Arguing further, Applicants argue that Omura "does not teach displaying the multiple selection highlight object that includes features of object manipulation after the selection information is receive, nor provides any suggestion for such a modification." See, Amendment, page 13, underline in original.

The Examiner disagrees.

Applicants' invention is the selection of multiple objects, highlighting the selection including a bounding highlight object that includes a manipulation object, wherein the multiple highlighted objects may be manipulated together.

It is noted that the additional limitation of objects becoming highlighted "after the selection information is received" is read as non-functional descriptive language. The

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fact that a function activates after it is activating is not read as claiming a patentably distinct limitation, but rather is a statement of an obvious act of selection and resultant selection.

The additional limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.

Regarding rejections of claims 12-18:

Applicants state without argument that Omura does not teach or suggest the claim limitations of: "creating a multiple selection highlight object that corresponds to the created highlight objects, wherein the multiple selection highlight object at least partially bounds the highlight objects to provide visual feedback of the multiple selection of the two or more objects after the selection information is received and includes features of object manipulation." See, Amendment, page 14.

It is noted that Applicants' arguments appear to be intended to address the rejection of claims 12-17, in that claim 12 is the independent claim with claims 13-17 depending from claim 12. Claim 18 is a different independent claim. It is additionally noted that independent claim 18 specifies "logic" which is addressed in Applicants' next argument. Accordingly, the arguments will be read as addressing the rejections of claims 12-17 for the remainder of this office action.

The Examiner disagrees.

Applicants' invention is the selection of multiple objects, highlighting the selection including a bounding highlight object that includes a manipulation object, wherein the multiple highlighted objects may be manipulated together.

It is noted that the additional limitation of objects becoming highlighted "after the selection information is received" is read as non-functional descriptive language. The fact that a function activates after it is activating is not read as claiming a patentably distinct limitation, but rather is a statement of an obvious act of selection and resultant selection.

The additional limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.

Regarding rejections of claims 19-24:

Applicants state without argument that Omura does not teach or suggest the claim limitations of: "logic for creating a multiple selection highlight object that corresponds to the created highlight objects, wherein the multiple selection highlight object at least partially bounds the highlight objects to provide visual feedback of the multiple selection of the two or more objects after the selection information is received and includes features of object manipulation." See, Amendment, page 14.

It is noted that Applicants' arguments appear to be intended to address the rejection of claims 18-19, in that claim 18 is the independent claim with claim 19 depending from claim 18. It is additionally noted that the argument specifies a failure to teach or suggest "logic." independent claim 18 specifies "logic." Claims 10-24 specify a different invention, a computer implemented method, that does not claim "logic." Since the gravamen of Applicants' arguments relative to claims 18-19 would also apply to the limitations of claims 20-24, this response to argument will also be considered to apply equally to claims 20-24.

The Examiner disagrees.

Applicants' invention is the selection of multiple objects, highlighting the selection including a bounding highlight object that includes a manipulation object, wherein the multiple highlighted objects may be manipulated together.

It is noted that the additional limitation of objects becoming highlighted "after the selection information is received" is read as non-functional descriptive language. The fact that a function activates after it is activating is not read as claiming a patentably distinct limitation, but rather is a statement of an obvious act of selection and resultant selection.

The additional limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** for the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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MKB/mkb


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